

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFRED DURELL STONE,

Petitioner,

v.

M.E. SPEARMAN,

Respondent.

Case No. [19-cv-06762-WHO](#) (PR)

**ORDER ADMINISTRATIVELY
CLOSING ACTION**

This federal habeas action was opened in error and will be administratively closed. Though the petition was sent to this Court's address, it was clearly meant to be filed in the state appellate court: the state's habeas form was used; the caption reads "First Appellate District"; the envelope's addressee is "First Appellate District"; and he appends a copy of a 2019 state superior court denial of his state habeas petition, which indicates he means to contest in state appellate court the validity of a lower state court decision.

The Clerk shall cross-out the United States court number and mail a copy of the petition to the First Appellate District of the California Court of Appeal.


If petitioner wishes to file a federal habeas petition, he must use this Court's habeas petition form and make it clear he wishes to proceed in federal court. Petitioner is warned that a federal habeas court cannot adjudicate his claims until after they have been exhausted. Exhaustion is accomplished by presenting the highest state court available with

1 a fair opportunity to rule on the merits of each and every claim petitioner wishes to raise in
2 federal court. *See* 28 U.S.C. § 2254(b), (c); *Rose v. Lundy*, 455 U.S. 509, 515-16 (1982).

3 The Clerk shall ADMINISTRATIVELY CLOSE this action and terminate all
4 pending motions. No filing fee is due.

5 **IT IS SO ORDERED.**

6 **Dated:** December 6, 2019

7 
8 WILLIAM H. ORRICK
United States District Judge